

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

WRIT PETITION No:16836 OF 1998

Dated: 12.7.2006

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Between:

S. Narayana Bhatta

..Petitioner

And

1. The Regional Transport Officer,
Hindupur, Ananthapur District and another
..Respondents.

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI

WRIT PETITION No:16836 OF 1998

ORDER:

This writ petition is filed by the petitioner seeking a direction in the nature of writ of mandamus, to declare that the collection of tax and penalty at the rate of Rs.10,000/- on each head along with compounding fee of Rs.2,450/- by the respondents vide release order R.No.283/A2/97, dated 7.1.1998 as illegal and arbitrary and consequently, to direct the 1st respondent to refund the said amount after deducting the A.P. Tax of Rs.2,100/- as per G.O.Ms.No.142, Transport, Roads and Buildings (TRII) Department, dated 22.8.1995 to the petitioner.

According to the petitioner, he is the owner of the Maxi Taxi, which is covered by All India Maxi Cab Permit issued under Section 88(9) of the Motor Vehicles Act. While so, while the vehicle was taking tourist party to Puttaparthi, after crossing the A.P. State, 2nd respondent stopped the vehicle and seized the same. When the driver approached the 1st respondent, he demanded Rs.10,000/- towards A.P. tax for one month and Rs.10,000/- towards penalty besides compounding fee. Thus, the driver was constrained to pay the said amount. Hence, the present writ petition.

Heard the learned Counsel and perused the material available on record.

When the matter is taken up for hearing, it is brought to the notice of this Court that the petitioner has already submitted a representation on 6.2.1998, but no action has yet been taken.

Having regard to the above facts and circumstances of the case and in view of the fact that the representation is pending with the authorities, without expressing any opinion on the merits of the case, I feel it appropriate to direct the respondents to consider the representation of the petitioner dated 6.2.1998, if it is available. In case, the earlier representation is not available, the petitioner is at liberty to make a fresh representation before the authority concerned within a period of four weeks from the date of receipt a copy of this

Order. On such representation, the same shall be disposed of in accordance with law within a period of eight weeks thereafter.

Subject to the above observation, the writ petition is disposed of. No costs.

Justice T. Meena Kumari

Date: 12th July, 2006
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

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CIVIL REVISION PETITION No:744 OF 2005

28.1.2006